

SUPERIOR COURT
Windham Unit

STATE OF VERMONT

CRIMINAL DIVISION
Docket No. xxxxxxxx Wmcr

STATE OF VERMONT

v.

MR. CLIENT

Client's Objections to Facts In PSI Report

NOW COMES Mr. Client, by and through counsel, and respectfully asks this Honorable Court to consider the following objections to the presentence investigation report pursuant to V.R.Cr.P. 32(c)(4)(A).

OBJECTIONS

On Page 2 – The third paragraph of the “Offense Summary.” We object to the statement that Client had been abusive to State’s Witness in the past. In fact, the jury acquitted Client of the allegation he assaulted State’s Witness the week prior. The court should not consider conduct for which the jury acquitted Client. Alternatively, the criminal history record of this event should be expunged as forty-five days have lapsed since the acquittal. 13 V.S.A. § 7603(e).

On Page 3 – The first full paragraph discussing the past history of Client and State’s Witness. Client objects to the court considering, and categorically denies that he has hurt animals, or that he has engaged in stalking behavior.

On Page 3 – The “victim impact statement”. We object to the assertion that State’s Witness is very fearful of Client and reluctant to participate in the process. Client will call counsel’s investigator, Dave Yendell, to provide a recorded statement of State’s Witness on this issue.

Further, State's Witness was due to have their child on February 22, 2020, and at present time has not given birth. That is why she is not going to be at the hearing next week.

On Page 6 and 7 – We object to the court considering alleged conduct that did not result in a conviction.

On Page 11 – We object to the statement that he was “convicted” of assaulting another inmate and possessing a weapon while in prison.

On Page 13 – We object to the statement that other than his pallet jack certification, Client has no other certifications or licenses, Client has obtained his barber's license. This is then corroborated on the next page.

Dated this ____ day of February, 2020

Respectfully Submitted,
MR. CLIENT

By: _____
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C: DSA Nevins